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| LE, DEBBIE M | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/614,736 | HARIK, GEORGES R. | |
| | Examiner | Art Unit | |
| | DEBBIE M. LE | 2168 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *23 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *2-16 and 23-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-16 and 23-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/25/07; 1/23/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

Applicant's arguments filed on 1/23/08. Claims 2-16, 23-43 are pending for examination.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-16, 23, 24-28, 33-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radwin (US Patent 7,007,074 B2) in view of Paine et al (US Patent No. 7,225,182 B2).

As per claim 6, Radwin discloses a method comprising:

a) accepting a search query (col. 5, lines 15-16, as search server receives search query send from a user);

b) searching, using information from the search query, a searchable data structure including advertiser Web page information to generate advertisement search results (col. 5, lines 17-19, as the search server parses the search terms in of the search query to find advertisements in advertisement repository 20);

c) accepting the advertisement search results (col. 5, lines 20-23, as search server responds by serving up a search results page comprising a list of matching document or keyword advertisement);

d) retrieving at least one advertisement using at least a portion of the accepted advertisement search results (col. 5, lines 35-37, as in response to a request from the search server 14, the advertisement repository 20 provides a target advertisement for presentation to the user);

wherein the at least one advertisement is retrieved from a set of advertiser information, the set of advertiser information including information identifying advertiser Web pages (col. 5, lines 17-20, col. 6, lines 15-18).

Radwin does not explicitly teach, but **Paine teaches** automatically, independent of end user acts, and response to the search query, wherein the searchable data structure including advertiser Web page information is generated from information automatically extracted exclusively from the identified advertiser Web pages without the need for expressly entered advertiser entered targeting information (Abstract, Fig. 10, col. 20, lines 50-67, col. 24, lines 35-67). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to provide automatically, independent of end user acts, and response to the search query, wherein the searchable data structure including advertiser Web page information is generated from information automatically extracted exclusively from the identified advertiser Web pages without the need for expressly entered advertiser entered targeting information as disclosed by Paine because it would provide

advertisers to find all of the good search terms for his advertiser's website while getting rid off the bad ones in order to reduce bid on a wide variety of search terms so that to maximum the traffic to their advertiser's site.

As per claim 10, Radwin discloses [a] method comprising:

a) accepting a search query (col. 5, lines 15-16, as search server receives search query send from a user);

b) searching, using information from the search query, a searchable data structure including advertiser Web page information to generate advertisement search results (col. 5, lines 17-19, as the search server parses the search terms in of the search query to find advertisements in advertisement repository 20);

c) accepting the advertisement search results (col. 5, lines 20-23, as search server responds by serving up a search results page comprising a list of matching document or keyword advertisement);

d) retrieving at least one advertisement using at least a portion of the accepted advertisement search results (col. 5, lines 35-37, as in response to a request from the search server 14, the advertisement repository 20 provides a target advertisement for presentation to the user).

Radwin does not explicitly teach, but **Paine teaches** automatically, independent of end user acts, and response to the search query, wherein the searchable data structure includes entries, each entry including a term automatically and exclusively extracted from the advertiser Web pages information and one or more web page identifiers, the web page identifiers included in the advertisement search results to

lookup an advertisement having a landing page corresponding to at least one of the web page identifiers (Abstract, Fig. 10, col. 20, lines 50-67, col. 24, lines 35-67). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to provide automatically, independent of end user acts, and response to the search query, wherein the searchable data structure includes entries, each entry including a term automatically and exclusively extracted from the advertiser Web pages information and one or more web page identifiers, the web page identifiers included in the advertisement search results to lookup an advertisement having a landing page corresponding to at least one of the web page identifiers as disclosed by Paine because it would provide advertisers to find all of the good search terms for his advertiser's website while getting rid off the bad ones in order to reduce bid on a wide variety of search terms so that to maximum the traffic to their advertiser's site.

As per claim 7, Radwin wherein each of the search results have a score (col. 9, lines 1-3).

As per claim 8, Radwin teaches e) scoring, using at least the search result scores, at least some of the retrieved at least one advertisement (col. 4, lines 4-6).

As per claim 9, Radwin teaches e) scoring, using at least the search result scores and further using at least one of (1) ad performance information, (2) ad price information (3) advertiser quality information, and (4) user information, at least some of the retrieved at least one advertisement (col. 9, lines 11-25, col. 6, lines 45-58) .

As per claim 11, Radwin teaches wherein the Web page identifiers are used as lookup keys to a database of advertisement information (col. 8, lines 40-50).

As per claim 12, Radwin teaches wherein the at least one advertisement is not one of the accepted search results (col. 11, lines , 14-18, 40-48, term rental and car is the only advertisement qualified to be presented as an immediate advertisement (accepted search result), while advertisement will be available for presentation as a time-dependent advertisement, such as banner, streaming video, audio advertisement are not one of the accepted search results).

As per claim 13, Radwin discloses [a] method comprising:

a) accepting a search query (col. 5, lines 15-16, as search server receives search query send from a user);

b) searching, using information from the search query, a searchable data structure including advertiser Web page information to generate advertisement search results (col. 5, lines 17-19, as the search server parses the search terms in of the search query to find advertisements in advertisement repository 20);

c) accepting the advertisement search results (col. 5, lines 20-23, as search server responds by serving up a search results page comprising a list of matching document or keyword advertisement);

d) retrieving at least one advertisement using at least a portion of the accepted advertisement search results (col. 5, lines 35-37, as in response to a request from the search server 14, the advertisement repository 20 provides a target advertisement for presentation to the user).

Radwin does not explicitly teach, but **Paine teaches** automatically, independent of end user acts, and response to the search query, wherein the acts of searching the searchable data structure and retrieving at least one advertisement may be performed without consideration of expressly entered targeting information (Abstract, Fig. 10, col. 20, lines 50-67, col. 24, lines 35-67). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to provide automatically, independent of end user acts, and response to the search query, wherein the acts of searching the searchable data structure and retrieving at least one advertisement may be performed without consideration of expressly entered targeting information as disclosed by Paine because it would provide advertisers to find all of the good search terms for his advertiser's website while getting rid off the bad ones in order to reduce bid on a wide variety of search terms so that to maximum the traffic to their advertiser's site.

As per claim 14, Radwin teaches wherein the act of retrieving at least one advertisement is performed without consideration of keyword targeting information (col. 8, lines 8-17).

As per claim 15, Radwin teaches e) generating a document including (1) search results determined using the search query and a second searchable data structure (Fig. 2, # 22,), and (2) the at least one advertisement (col. 8, lines 8-20).

As per claim 16, Radwin teaches wherein a format of each of the search results is different from a format of each of the at least one advertisement (col. 10, lines 3-15).

As per claim 23, Radwin discloses a search engine (Fig. 2, # 52, search engine) comprising:

a) a first index including information derived from Web pages of the World Wide Web (Fig. 2, # 20, Ad repository, col. 5, lines 45-61, col. 8, lines 33-39, as Web server operates to receive a URL and the content of HTML document (Web pages) and store as records in a table data structure);

c) a query processor to accept (1) a search query (Fig. 1, # 14, as search server, parse the search query) (2) obtain search results to the search query using the first index (col. 5, lines 17-19, as the search server parses the search terms in of the search query to find advertisements in advertisement repository 20)

obtain advertisements, using the second index, and output the obtained search results and the obtained advertisements (col. 5, lines 17-19, as the search server parses the search terms in of the search query to find advertisements in advertisement repository 20).

Radwin does not explicitly teach, but **Paine teaches** automatically, independent of end user acts, and response to the search query, a second index including information automatically derived exclusively from web pages of advertisers without the need for expressly entered advertiser entered targeting information (Abstract, Fig. 10, col. 20, lines 50-67, col. 24, lines 35-67). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to provide automatically, independent of end user acts, and response to the search query, a second index including information automatically derived

exclusively from web pages of advertisers without the need for expressly entered advertiser entered targeting information as disclosed by Paine because it would provide advertisers to find all of the good search terms for his advertiser's website while getting rid off the bad ones in order to reduce bid on a wide variety of search terms so that to maximum the traffic to their advertiser's site.

As per claim 24, Radwin discloses apparatus comprising:

A storage facility including:

Advertisement information including ads, a search data structure including advertiser web page information (advertisements in advertisement repository 20);

Means for generating search results using, at least, the searchable data structure (col. 5, lines 17-19, as the search server parses the search terms in of the search query to find advertisements in advertisement repository 20);; and

Means for providing one or more ads from the advertisement information using, at least, the generated search results (col. 5, lines 35-37, as in response to a request from the search server 14, the advertisement repository 20 provides a target advertisement for presentation to the user).

Radwin does not explicitly teach, but **Paine teaches** automatically, independent of end user acts, and response to the search query, a searchable data structure including advertiser Web page information is generated from information automatically and exclusively extracted from the identified advertiser Web pages without the need for expressly entered advertiser entered targeting information (Abstract, Fig. 10, col. 20, lines 50-67, col. 24, lines 35-67). Thus, it would have been obvious to one of ordinary

skill in the art at the time invention was made to combine the teachings of the cited references to provide automatically, independent of end user acts, and response to the search query, a searchable data structure including advertiser Web page information is generated from information automatically and exclusively extracted from the identified advertiser Web pages without the need for expressly entered advertiser entered targeting information as disclosed by Paine because it would provide advertisers to find all of the good search terms for his advertiser's website while getting rid off the bad ones in order to reduce bid on a wide variety of search terms so that to maximum the traffic to their advertiser's site.

As per claim 25, Paine teaches wherein the advertisement information includes records, each record including an ad and an advertiser web page identifier (Fig. 10, col. 20, lines 50-67).

As per claim 26, Paine teaches wherein the advertiser website information included in the searchable data structure is derived from the advertiser web page identifiers included in records of the advertisement information (Fig. 10, col. 20, lines 50-67).

As per claim 27, Paine teaches means for determining at least one web page identifier from the search results, means for looking up the one or more ads from the advertisement information using the determined at least one web page indicator (Fig. 10, col. 24, lines 35-67).

As per claim 28, Radwin discloses apparatus comprising:

a) an input for accepting a search query (col. 5, lines 15-16, as search server receives search query send from a user);

b) a means for searching, using information from the search query, a searchable data structure including advertiser Web page information to generate search results (col. 5, lines 17-19, as the search server parses the search terms in of the search query to find advertisements in advertisement repository 20);

c) means for retrieving at least one advertisement using at least a portion of the accepted search results (col. 5, lines 35-37, as in response to a request from the search server 14, the advertisement repository 20 provides a target advertisement for presentation to the user);

wherein the at least one advertisement is retrieved from a set of advertiser information, the set of advertiser information including information identifying advertiser web pages (col. 5, lines 17-20, col. 6, lines 15-18).

Radwin does not explicitly teach, but **Paine teaches** automatically, independent of end user acts, and response to the search query, wherein the searchable data structure including advertiser Web page information is generated from information automatically and extracted exclusively from the identified advertiser Web pages without the need for expressly entered advertiser entered targeting information (Abstract, Fig. 10, col. 20, lines 50-67, col. 24, lines 35-67). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to provide automatically, independent of end user acts, and response to the search query, a searchable data structure including advertiser Web page

information is generated from information automatically and exclusively extracted from the identified advertiser Web pages without the need for expressly entered advertiser entered targeting information as disclosed by Paine because it would provide advertisers to find all of the good search terms for his advertiser's website while getting rid off the bad ones in order to reduce bid on a wide variety of search terms so that to maximum the traffic to their advertiser's site.

As per claim 33, Paine teaches wherein the at least one advertisement is retrieved from a set of advertiser information, the set of advertiser information identifying advertiser web pages, wherein the searchable data structure including advertiser web page information includes information extracted exclusively from the identified advertiser web pages (Fig. 10, col. 24, lines 35-67).

As per claim 34, Radwin teaches each of the search results have a score (col. 9, lines 1-3).

As per claim 35, Radwin teaches means for scoring, using at least the search result scores, at least some of the retrieved at least one advertisement (col. 4, lines 4-6).

As per claim 36, Radwin teaches means scoring, using at least the search result scores and further using at least one of (1) ad performance information, (2) ad price information (3) advertiser quality information, and (4) user information, at least some of the retrieved at least one advertisement (col. 9, lines 11-25, col. 6, lines 45-58).

As per claim 37, Paine teaches the searchable data structure includes entries, each entry including a term and one or more web page identifiers, and wherein the

means for retrieving at least one advertisement using at least a portion of the accepted search results uses web page identifiers included in the search results (Fig. 10, col. 20, lines 5067)..

As per claim 38, Paine teaches the web page identifiers are used as lookup keys to a database of advertisement information (Fig. 10).

As per claim 39, Radwin teaches the at least one advertisement is not one of the accepted search results (col. 11, lines , 14-18, 40-48, term rental and car is the only advertisement qualified to be presented as an immediate advertisement (accepted search result), while advertisement will be available for presentation as a time-dependent advertisement, such as banner, streaming video, audio advertisement are not one of the accepted search results).

As per claim 40, Paine teaches wherein the means for retrieving at least one advertisement does not consider expressly entered targeting information (Fig. 10).

Claim 41 has similar limitations as claim 40, therefore, it is rejected under the same subject matter.

Claims 42-43 have similar limitations as claims 37-38; therefore, they are rejected under the same subject matter.

Claims 2-5, 29, 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radwin, Paine and further in view of Spencer (US Patent 5,915,249).

As per claim 2, Radwin and Paine do not teach wherein the searchable data structure is an inverted index. However, Spencer teaches the searchable data structure

is an inverted index (Fig. 2, # 200, inverted index). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to implement the step of constructing the searchable data structure is an inverted index as disclosed by Spencer because it would provide information retrieval from a large text (e.g., search terms) database structure and query processing technique that efficiently handle queries the significance and repetitiveness of certain terms in the queries, while still providing scalablity as the document collection grow.

As per claim 3, Paine teaches wherein the inverted index includes entries, each entry including a term and one or more Web page identifiers (Col. 24, col. 14-45).

As per claim 4, Spencer teaches wherein the inverted index includes entries, each entry including a term and one or more pairs, each pair including a Web page identifier and a term count (as term counts, col. 1, line 39, col. 9, lines 34-42).

As per claim 5, Spencer teaches wherein the inverted index includes entries, each entry including a term extracted from advertiser Web pages and one or more Web page identifiers that identifier advertiser Web page in which the term appears (as the number of occurrences of the term in that document, col. 9, lines 39-41).

Claims 30-32 have similar limitations as claims 3-5, therefore, they are rejected under the same subject matter.

As per claim 29, Radwin and Paine do not teach wherein the searchable data structure is an inverted index. However, Spencer teaches the searchable data structure is an inverted index (Fig. 2, # 200, inverted index). To implement the step of

constructing the searchable data structure is an inverted index as disclosed by Spencer because it would provide information retrieval from a large text (e.g., search terms) database structure and query processing technique that efficiently handle queries the significance and repetitiveness of certain terms in the queries, while still providing scalablity as the document collection grow.

### *Response to Arguments*

Applicant's arguments, filed 1/23/08 have been considered but are moot in view of the new ground(s) of rejection is made in view of Radwin (US Patent 7,007,074 B2), Paine et al (US Patent No. 7225182 B2) and in view of Spencer (US Patent 5,915,249)

### *Conclusion*

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571)272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DEBBIE M LE/
Primary Examiner, Art Unit 2168

April 10, 2008